

SNK-3750US3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No: 10/712,087
Applicants: Kazuhisa Yamamoto et al.
Filed: November 13, 2003
Title: OPTICAL DEVICE, LASER BEAM SOURCE, LASER APPARATUS AND
METHOD OF PRODUCING OPTICAL DEVICE
TC/A.U.: 2828
Examiner: Tod Thomas Van Roy
Confirmation No.: 7923
Docket No.: SNK-3750US3

DECLARATION UNDER 37 CFR 5.1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I am Kazuhisa Yamamoto. I am the inventor of the above-identified application.

My educational background is as follows:

I attended Osaka University and graduated on March 31, 1981, and obtained the degree of Doctor, and studied the field of Optical Devices.

My occupation is as follows:

I have worked in Matsushita Electric Industrial Co., Ltd. For twenty-two years and have done research and development of new optical and electronic materials and devices, and am the leader of a team of research and development.

I am familiar with the specification for the above-identified application. I am also familiar with the amended claim 78 as shown in the attached sheet. In particular, I have read and understood the following feature which appears in the amended claim 78:

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... a stable proton exchange layer whose refractive index is constant at an ordinary temperature more than one day after the optical wavelength conversion element is formed ...

In my opinion, one of ordinary skill in the art would understand the above language to correspond to Fig. 13 of the above-identified application. In my opinion, Fig. 13 of the above-identified application illustrates to one of ordinary skill in the art that the refractive index of the optical wavelength conversion element does not vary at an ordinary temperature more than one day after the optical wavelength conversion element is formed.

I have read and am familiar with the Official Action dated January 8, 2008 for the above-identified application. That Official Action rejects my claim 78 based on U.S. Patent No. 5,303,247. I have read page 4 of the Official Action dated January 8, 2008 which states that U.S. Patent No. 5,303,247 discloses:

the optical wavelength conversion element ... formed of a proton exchange layer ... whose refractive index does not vary with time during operation ...

I am the named inventor of U.S. Patent No. 5,303,247. Based on my understanding of U.S. Patent No. 5,303,247, (hereinafter referred to as '247 patent), It is my opinion that one of ordinary skill in the art associated with the '247 patent would understand that the proton exchange layer in the optical wavelength conversion element of the '247 patent has a refractive index which does vary with time after the optical wavelength conversion element is formed as shown in Fig. 6 of the above-identified application. Thus, in my opinion, one of ordinary skill in the art associated with the '247 patent would completely disagree with an understanding that the refractive index of the optical wavelength conversion element of the '247 patent does not vary with time after the optical wavelength conversion element is formed.

In addition, one of ordinary skill in the art corresponding to the '247 patent would understand that the optical wavelength conversion element of the '247 patent does NOT have the feature of:

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...the refractive index is constant at an ordinary temperature more than one day after the optical wavelength conversion element is formed..

Rather, one of ordinary skill in the art corresponding to the '247 patent would understand that the optical wavelength conversion element of the '247 would have a refractive index that varies at an ordinary temperature more than one day after it is formed.

Furthermore, the optical wavelength conversion element of the '247 patent changes in the manner illustrated by Fig. 4, Fig. 5 and Fig. 6 of the above-identified application and in the manner described in the text of the above-identified application which corresponds to Figs. 4, 5 and 6.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: June 6, 2008

Kazuhisa Yamamoto
KAZUHISA YAMAMOTO